



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

61465

[Docket No. HM-38; Amdt. 179-20]

PART 179—SPECIFICATIONS FOR TANK CARS

Specifications for Tank Car Tanks

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: Certain E top and bottom shelf and F top shelf couplers are approved by the Federal Railroad Administrator for use on tank cars built after January 1, 1971.

This action is taken as requested by industry in order to improve safety.

EFFECTIVE DATE: November 9, 1977.

ADDRESS: All material pertinent to this proceeding is available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, 202-426-2748.

SUPPLEMENTARY INFORMATION: On September 15, 1977, the Materials Transportation Bureau (the Bureau) issued Docket No. HM-144; Amdt. Nos. 173-108; 179-19 (42 FR 46306). These amendments require, as pertinent here, that all DOT Class 112 and 114 tank cars be equipped with special couplers capable of resisting vertical disengagements. Under new § 179.195-6(d), E top and bottom shelf couplers designated by the Association of American Railroad's (AAR) Catalog No. SE60CHT or SE60CHTE, and F top shelf couplers designated by the AAR Catalog No. SF70CHT or SF70CHTE, are approved by the Administrator for installation without verification testing under § 179.105-6(c).

The preamble to that rule noted that, while most commenters endorsed the proposal to apply a coupler restraint system to DOT Class 112 and 114 tank cars, several suggested that § 179.14, Tank Car Couplers, be revised to include "E shelf" and "F shelf" couplers in the list of couplers approved by the Administrator for installation on all tank cars built after January 1, 1971. However, since the notice of proposed rulemaking was limited to couplers on DOT Class 112 and 114 tank cars, the preamble stated this suggestion would not be adopted under HM-144, but would be considered by the FRA and the Bureau for future rulemaking. This amendment is adopted in response to that statement and the petitions described below.

On January 28, 1977, the Bureau received a petition from the Committee on

Tank Cars of the Railway Progress Institute (RPI) to amend § 179.14 to permit the use of type E top and bottom shelf couplers on tank cars constructed after January 1, 1971. This RPI Committee reiterated its request for "shelf coupler approval" in a letter to the Administrator dated September 26, 1977.

On August 23, 1977, a request was received from Celtrain, Inc., for approval by the Administrator to apply the new top and bottom shelf E couplers to 65 DOT Class 111A tank cars. This approval was issued on November 9, 1977.

It is the Bureau's opinion that the approval adopted herein will have minimal economic impact. Since the currently approved F couplers will continue as alternative approved couplers, no economic hardship will result from issuance of this approval. Moreover, the use of shelf couplers is anticipated to reduce coupler overriding and resulting tank head punctures, denting and car end damage. This will promote safety.

Since this amendment merely provides an alternate method of compliance with an existing regulation and does not impose a burden on regulated persons, I find that notice and public procedure thereon are unnecessary and that it may be made effective on less than 30 days' notice.

Primary drafters of this document are William F. Black (Office of Safety), Edward F. Conway, Jr. (Office of Chief Counsel) of the Federal Railroad Administration, and George W. Tenley, Jr., of the Office of the Assistant General Counsel for Materials Transportation Law.

In consideration of the foregoing, Part 179 of Title 49, Code of Federal Regulations is amended as follows:

In § 179.14 paragraph (a) (3) is added to read as follows:

§ 179.14 Tank car couplers.

(3) Effective November 9, 1977, couplers designated by the Association of American Railroads Catalog Nos. SE60-CHT, SE60CHTE, SF70CHT and SF70CHTE are approved.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821 or an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on November 22, 1977.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

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